IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 354 OF 2006

Shankar Balu Gawade & ors .. Petitioners

versus

Mr.S.K. More & ors. .. Respondents

...

Mr.G.N. Salunke for the petitioners.

CORAM : D.G. KARNIK, J

DATED : 10th October 2006

P.C.:

1. Heard counsel for the petitioner.

2. This Contempt Petition is filed alleging breach of the order dated 28th September 2005 passed by this Court in Writ Petition no.10058 of 2004.

3. On 28th September 2005 while admitting the Writ Petition this Court directed interim relief in terms of prayer clause (c) of the petition. Prayer clause (c) is for stay the order dated 21st October 2004 passed by the Addl. Commissioner Pune. That

order was regarding making of some entries in the revenue records. Petitioner says that despite the stay the respondents effected an entry in the revenue record in accordance with the order of the Additional Commissioner and thereby committed contempt.

4. I have perused 7/12 extract at page 83 of the petition. 7/12 extracts shows that the entry was made on 8th November 2004 in accordance with the order passed by the Addl.Commissioner. Before making the entry, Talthi had issued notices to the parties to ascertain whether there was any stay. It may be noticed that the entry was made by the Talathi on 8th November 2004 giving effect to the order of the Addl. Commissioner before this court granted the stay. The stay has been granted by this Court long after the entry was made. From the record it appears that the petitioner had not brought to the notice of the Court on 28th September 2005, that order of the Addl. Commissioner had already been executed long ago on 8th November 2004. In the circumstances, it cannot be said that the respondents committed a breach of the order of this court. Hence there is no merit in the Contempt Petition which is hereby dismissed summarily.

(D.G. KARNIK, J)